

MINUTES
REGULAR MEETING
CITY COUNCIL

October 5, 2015

Mel L. Cohen, Mayor

Sally W. Sandy, City Manager
Louis E. Vinay, Jr., City Attorney

John H. Cantrell)
Forrest A. Fleming) Councilmen
Sidney Simmons)
Ronnie Thompson)

Becky Brinkley, Interpreter

I. The meeting was called to order in the Council Chamber at City Hall at 5:30 p.m. by Mayor Cohen.

II. Public Comment – The Mayor stated the guidelines for public comment.

- Edith Crisp who resides at 716 East Union Street spoke regarding a sewer issue at her home.

- Eric Conner lives in Catawba County and represents Conner Investments, owner of the property at 101 Steakhouse Drive Morganton. Conner spoke regarding proposed landscaping by NCDOT at the Exit 105 project. Conner encouraged the Council to enter into an agreement with the NCDOT regarding maintenance of landscaping in the Exit 105 area. He feels it would help businesses in the area with this beautification. He suggested that local business would perhaps be willing help with that cost. He stated the traffic count has been picking up as the construction winds down.

Councilman Cantrell asked about the time frame for the completion of the driveway for the Sagebrush Steakhouse. Mr. Conner stated it would be early November.

There being no further comments, the Mayor recessed the meeting at 5:49 p.m.

III. Business of the Council – The Mayor reconvened the meeting at 6:00 p.m.

IV. Pledge of Allegiance to the Flag – Councilman Fleming led the recitation of the Pledge of Allegiance to the Flag.

V. Invocation – The invocation was given by the Rev. Charlotte Brendel, Associate Pastor, First United Methodist Church.

VI. Introduction of Council – The Mayor introduced the Council and staff.

VII. Retiree Resolution

The Mayor read a resolution recognizing retiring employee Terry L. Mangum. Terry retired from the City of Morganton on October 1, 2015 with 30 years' service. Terry retired from the Public Safety Department as Public Safety Officer – Special Assignment.

Upon motion by Mayor Cohen, seconded by Councilman Cantrell, and carried unanimously, the Council approved Resolution #15-39 recognizing retiring employee Terry L. Mangum.

PSO Mangum spoke a few words of appreciation.

a. Consideration of Award of Service Weapon and Fire Services Helmet

Historically, the City has followed the North Carolina General Statutes and awarded a retiring member with their service weapon along with their fire services helmet. This has been done by the Council declaring the particular items as surplus and then allowing someone to purchase the weapon for the officer for a fee of one dollar.

Terry L. Mangum has complied with the North Carolina General Statutes in regard to obtaining a valid gun permit for the weapon. City staff recommends that his weapon, a Glock 22 Gen. 4 semi-automatic pistol, Serial #XHY493, and fire services helmet, a *Paul Conway American Classic* brand helmet, Serial number LHM0000048580 declared surplus, sold for one dollar, and presented to Major Bradshaw.

Upon motion by Councilman Fleming, seconded by Councilman Simmons, and unanimously carried, the Council declared as surplus a Glock 22 Gen. 4 semi-automatic pistol, Serial #XHY493, and a fire services helmet, *Paul Conway American Classic* brand helmet, Serial number LHM0000048580, which were bought by the City Manager for one dollar and presented to retired Public Safety Officer Terry L. Mangum.

VIII. Public Advocacy Issues and Strategies – The Mayor made the following announcements:

The Mayor stated the Governor had signed a bill calling for a statewide referendum to be held on March 16, 2016 in which voters will have the opportunity to vote for the State to issue \$2 billion in bonds for a variety of infrastructure improvements. He stated our area was very fortunate to be recipients of some of these monies and encouraged voters to go to the polls and cast a ballot. He stated this was very important to our community.

The Mayor stated the past weekend's storm was not as bad as anticipated. The Mayor thanked the various departments for being on call and prepared.

a. Upcoming events at CoMMA – *Live and Let Die*; Farmer's Markets continue on Wednesdays and Saturdays; October Oyster Outing; Downtown Ghost Tours; Downtown Halloween Spooktacular; and Spooky Meadows at Catawba Meadows Park.

•The City Manager introduced new Assistant City Manager Sonja Marston.

b. The Mayor read a proclamation regarding Fire Prevention Month which was accepted by Captain John Campbell.

Upon motion by Mayor Cohen, seconded by Councilman Cantrell, and carried unanimously, the Council proclaimed October Fire Prevention Month in Morganton.

Captain Campbell stated the theme this year is "Hear the Beep Where You Sleep". Captain Campbell stated it was very important to have smoke detectors in every bedroom of your home.

Councilman Thompson asked if there is a program where people can get smoke detectors for their home. Captain Campbell stated there was a program through the County. Campbell urged those in need to call his office and he would work with the County to get smoke detectors in those homes where needed.

c. The Mayor read a proclamation regarding Public Power Week which was accepted by Brooks Kirby, Director of Electric Services.

Upon motion by Mayor Cohen, seconded by Councilman Thompson, and carried unanimously, the Council proclaimed October 4-10 as Public Power Week in Morganton.

Brooks Kirby stated that Public Power Week is a week to celebrate the people who go out, day and night, to keep the electricity connected. Kirby thanked the crews for the hard work they do.

d. ElectriCities Safety Award was presented by Jeff Vaughn Senior Safety and Training Specialist with ElectriCities. Vaughn worked with new linemen through seasoned linemen training them to stay safe on the job. He stated that in Morganton there were no lost time accidents in 2014. The linemen did their daily job safely with no accidents. The award was accepted by Brooks Kirby, Director of Electric Services.

IX. North Carolina Municipal Power Agency Number 1 Update – The City Manager stated elections would take place in November.

X. Consent Agenda – The City Manager presented the consent agenda and asked if any items should be removed from the Consent Agenda. No request was made.

Upon motion by Councilman Thompson, seconded by Councilman Cantrell, and unanimously carried, the consent agenda was approved and each individual item adopted as stated, these being as follows:

A. Approval of Minutes as submitted of the Regular Meeting held on September 14, 2015.

B. Approved tax releases in the amount of \$1,425.40.

C. Approved a budget amendment (Ord. # 15-43) in the amount of \$1,000 to appropriate funds to contribute toward the Burke Arts Council mural project.

D. Approved a grant agreement in the amount of \$25,000 from the North Carolina Main Street Solutions Fund Grant Program and authorized the Mayor or the City Manager to execute and issue this agreement on behalf of the City, together with the additional authority to make such alterations, technical amendments and changes as may be necessary to implement the agreement.

XI. Items Removed from Consent Agenda – There were no items removed from the Consent Agenda.

XII. New Business

1. Consideration of Grant Award of Entitlement Funds to Non-Profits

Lisa Helton, WPCOG, stated that in the FY 2015 Action Plan, CDBG funds in the amount of \$22,195 would be used to provide assistance to non-profits that meet the goals and requirements of the CDBG program. Applications were received on September 14, 2015 and staff ranked these applications based on specific requirements set forth by the CDBG program. Staff would like to recommend to the Council that the following non-profits be awarded entitlement funds:

1. Options Inc. – Request \$10,000 – Recommendation – \$ 10,000.

Options Inc., requested CDBG funds to provide for repairs to the shelter and assist clients with housing deposits when they transition out of the shelter. Staff recommends Options be awarded a CDBG in the amount of \$10,000.

2. The House of Refuge – Request \$7,500 – Recommendation-\$7,500.

The House of Refuge is an emergency homeless shelter for men over the age of 18. They have requested funding for supplies and other daily expenses for the operation of the shelter. Staff recommends that the House of Refuge be awarded a CDBG in the amount of \$7,500.

3. The Salvation Army – Request \$10,000 – Recommendation-\$4,695.

Salvation Army has requested CDBG funds for their Crisis Assistance Program. This program assists low income persons in Morganton that are in a crisis situation and in

need of assistance to pay rent, mortgage and utilities by providing a one-time financial aid. Staff recommends awarding \$4,695 to this program. They had the lowest score of the three application received.

There were 3 eligible applications received this FY. Full funding was recommended for the first two non-profits with the most points. One applicant would receive reduced funding.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council approved awarding FY 2015 Entitlement Funds to non-profits as recommended (Ord. #15-44).

2. Consideration of Contracts with the Western Piedmont Council of Governments and Corresponding Budget Amendments for the Building Reuse and Restoration Grants Program Development Grants

The City Manager stated that in the Spring of 2015 the City of Morganton, Burke County, and BDI applied for and received grant monies from the NC Department of Commerce to support two companies to expand operations and hire additional employees in Morganton and Burke County. The grant applications are for the Building Reuse and Restoration Grants program and are to aid local governments in assisting eligible businesses to reuse vacant buildings and expand current operations to spur economic activity that will create jobs. Now that grants have been awarded and the businesses are up-fitting facilities to accommodate the expansions, the City must budget for the grants.

Additionally, the City is contracting with the Western Piedmont Council of Governments (WPCOG) for grant administration. The projects are as follows:

- 1) American Hospitality Furnishings, LLC dba 10 Hogan. This grant is for the up-fit of a vacant building at 410 Hogan Street. The grant amount is \$212,500 and requires the creation of 17 full-time positions. American Hospitality Furnishings projects \$5.6 million in sales for the first year and hiring 71 new employees. Local match to the grant is \$10,625 and will be shared 50/50 by the City and Burke County.
- 2) Duralee Fabrics, Ltd. This grant is for the expansion and up-fit of an existing business. The grant amount is \$410,000 and requires the creation of 41 full-time positions. Duralee Fabrics is moving operations from New York to Morganton and plans to hire 77 new employees. Local match to the grant is \$20,500 and will be shared 50/50 by the City and Burke County.

Upon motion by Councilman Thompson, seconded by Councilman Cantrell, and carried unanimously, the Council approved a contract between WPCOG and the City for the provision of administrative assistance concerning a NC Department of Commerce Rural Economic Development Division American Hospitality Furnishings, LLC dba 10 Hogan building reuse grant.

Upon motion by Councilman Cantrell, seconded by Councilman Thompson, and carried unanimously, the Council approved a Budget Amendment (Ord. #15-48) in the amount of \$223,125 to appropriate funds for a Rural Center / Building Reuse grant project with American Hospitality Furnishings.

Upon motion by Councilman Thompson, seconded by Councilman Simmons, and carried unanimously, the Council approved a Budget Amendment (Ord. #15-49) in the amount of \$5,313 to appropriate reimbursement from Burke County for half of administration fees to administer American Hospitality Furnishings grant.

Upon motion by Councilman Thompson, seconded by Councilman Cantrell, and carried unanimously, the Council approved a contract between WPCOG and the City for the provision of administrative assistance concerning a NC Department of Commerce Rural Economic Development Division building reuse grant for Duralee Fabrics, Ltd. and Duralee Fine Furniture, Inc.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council approved a Budget Amendment (Ord. #15-46) in the amount of \$430,500 to appropriate funds for a Rural Center / Building Reuse grant project with Duralee Fabrics, Ltd.

Upon motion by Mayor Cohen, seconded by Councilman Simmons, and carried unanimously, the Council approved a Budget Amendment (Ord. #15-47) in the amount of \$10,250 to appropriate reimbursement from Burke County for half of the administration fees to administer the Duralee Fabrics, Ltd. grant.

3. Consideration of Award of Contract for Design of Wastewater Aeration Process Conversion

The City Manager stated that in the Spring of 2015, City Council authorized an interim solution to be implemented for addressing the inoperable pure oxygen system at the wastewater treatment plant. Concurrently, a Process Conversion Study was performed to evaluate alternatives and improvements.

Findings and recommendations from this study were presented to City staff and it was decided to move forward with improvements consisting of the following major components:

- Two new aeration basins
- New aeration splitter box and secondary clarifier splitter box
- Repairs to secondary clarifiers
- New building to house aeration blowers, electrical gear, and chemical storage / feed facilities.
- Improvements to RAS/WAS pumping equipment
- Improvements to flow equalization facilities

A new secondary clarifier will not be included in this initial project, but designs will consider that the clarifier will be constructed at a later date.

A task authorization was received from our wastewater plant engineering firm, Freese & Nichols, for the process conversion design at a cost of \$621,170.

Upon motion by Councilman Thompson, seconded by Councilman Cantrell, and carried unanimously, the Council approved and authorized a task authorization from Freese & Nichols to complete a wastewater process conversion design in the amount of \$621,170.

4. Consideration of Agreement to Modify Small Business Loan Agreement for Avery Avenue Partners

The City Attorney stated that at its April 6, 2015 meeting the Council approved a Small Business Loan Agreement with Avery Avenue Partners and Food Matters Market, Inc., for a CDBG Loan in the principal amount of \$75,000. The Loan is for the renovation and redevelopment of the building at 208 Avery Avenue owned by Avery Avenue Partners, so that Food Matters Market could open a grocery market on that premises.

The Loan Agreement provided that through September 2015 the monthly repayment of the loan would be for interest only, and that beginning in October, full payments of principal and interest would start, with there being a total of 110 monthly equal payments. At the time, all parties anticipated that the new business should be open around October, 2015.

Now it is clear that the business probably will not be open before December 2015. Avery Avenue Partners has therefore requested that the Loan Agreement be modified so that the "interest only payments" continue through December, 2015, and that the full payments of principal and interest only begin on January 1, 2016. The change would not result in any reduction in the amount due to the City, but rather would simply move the payment schedule "to the right" by three (3) months. In other words, the start of repayment of principal would be delayed for three (3) months, but there would still be 110 months of full payments. Therefore, City staff recommends approval of the requested amendments to the Loan Agreement.

Upon motion by Councilman Cantrell, seconded by Councilman Simmons, and carried unanimously, the Council approved entering into an Agreement to Modify Small Business Loan Agreement with Avery Avenue Partners dated April 6, 2015.

5. Consideration of an Amendment to the Animal Control Ordinance

The City Attorney stated that at its September 14, 2015 meeting, after hearing public comments from a number of people concerning enforcement action against a pet Serval cat, the City Council directed the City Attorney to draft amendments to the Animal Control Ordinance to address the concerns that were raised.

The City Attorney stated the proposed amendments to Chapter 8 of Part 9 of the City Code would allow some smaller “wild or exotic animals” under limited conditions (Section 8-2028). In particular, mammals of less than 40 pounds, primates of less than 15 pounds, birds of less than 15 pounds, and non-venomous snakes less than 6 feet long would be allowed if the owner first obtains a permit (at no cost) from the Department of Public Safety. The permit would provide documentation of presence of each particular exotic animal, and require the owner to affirm legal and financial responsibility for the animal. The “dangerous animals” ordinance (Section 8-2041) remains in place, and Public Safety is authorized to act against any animal deemed “dangerous”, just as with vicious dogs.

The City Attorney stated a few other amendments were suggested, mostly to reflect changing social standards, in a manner similar to the ordinance adopted in many cities. In particular, exceptions would now allow the keeping of a single miniature potbelly pig, and of up to 5 egg-laying domestic fowl, provided the owner’s lot meets the restrictions of our Zoning Ordinance.

Upon motion by Councilman Thompson, seconded by Councilman Cantrell, and carried unanimously, the Council adopted Ordinance #15-45 amending the City of Morganton Animal Control Ordinance (Chapter 8 of Part 9), specifically amending sections 8-2005, 8-2028, 8-2029, 8-2030, and 8-2041.

Councilman Thompson asked if Public Safety could take a photo of the animal during the permitting process. The City Attorney stated that would be an excellent idea and Chief Rector agreed this could be done.

XIII. Other Items from City Manager and City Council Not on Agenda – The Mayor stated that Charlotte Magazine had a great article about Morganton.

Councilman Thompson asked for an update on Greenway construction. The City Manager stated the rainy weather the previous week stopped construction. She stated the largest part of the project is complete. There is some finishing work to be done and that should be in process this week. She stated the plan was to be complete by the end of the week.

The City Manager stated that DOT would begin tomorrow or Wednesday to complete repaving along Avery Avenue. The City project on Bouchelle Street also stopped due to the weather. The contractor would begin again on the concrete work next week.

Councilman Fleming thanked Scott Lookadoo, Jim Pless and their team for beautification throughout the City; the islands and various beds looked beautiful throughout the summer.


Councilman Thompson stated that reporter Glen Flanagan of the News Herald would be leaving to take another job in Columbia, SC. He thanked Glen Flanagan for the good coverage he has given the City during his tenure.

The Mayor stated that many of the Council and staff attended the recent Revolutionary War Weekend crossing of the Catawba River reenactment. The Mayor stated that everyone involved did a fine job of organizing and working throughout the week.

XIV. Reports – Reports were distributed for information.

XV. Adjournment – The meeting was adjourned at p.m.

Preparation of Minutes. These minutes were prepared by Mikela D. Russell, Assistant City Clerk. Copies of all resolutions, ordinances and orders referenced in these minutes are intended to be incorporated into these minutes as if fully set forth herein. Prior to including them into the official minute book, the minutes have been read and approved by the City Manager and the City Attorney, then distributed to each member of the City Council for further review and final approval, at a subsequent Council Meeting.



Mayor

Assistant City Clerk